

Patent & Trademark Office
JAN 18 2002
Docket # EB-19967

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By: Wm. S. [Signature]

Date: December 3, 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Franz Haas et al.
Applic. No. : 09/768,394
Filed : January 24, 2001
Title : Use of Erythritol and/or Xylitol in Baking Mixtures or Doughs for Non-Perishable Goods Made from Flours and/or Starches as Partial or Complete Sugar Replacement
Attention : Office of Petitions

PETITION TO REVIVE UNDER 37 C.F.R. §1.137(b)

Hon. Commissioner of Patents and Trademarks,
Washington, D. C. 20231

Sir:

The facts leading to this petition are as follows:

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**OFFICE OF PETITIONS
DEPUTY A/C PATENTS**

Counsel received a Notice of Incomplete Reply dated November 16, 2001, because no substitute specification was filed in response to the Notice to File Corrected Application Papers dated March 8, 2001, which set a shortened statutory period of two months for filing a substitute specification in compliance with 37 C.F.R. 1.52. The substitute specification was, therefore, due to be filed by May 8, 2001. Applicants intended to further prosecute the application. The entire delay in prosecution was unintentional.

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Applicants state that the entire delay in filing the required reply from the due date for the reply until the filing of this grantable petition pursuant to 37 C.F.R. 1.137 was unintentional.

Applicants request that the application be reinstated under 37 C.F.R. §1.137(b). The petition fee in the amount of \$1,280.00 in accordance with Section 1.17(m) is enclosed herewith.

Also enclosed is a substitute specification in which the required corrections were made, and copies of the aforesaid Notices of November 16, 2001 and March 8, 2001.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account No. 12-1099 of Lerner and Greenberg, P.A..

Respectfully submitted,



For Applicants

WERNER H. STEMER
REG. NO. 34,956

Date: December 3, 2001

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